

PTO/SB/21 (07-06)

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Total Number of Pages in This Submission

15

Application Number	09/992,791
Filing Date	11/19/2001
First Named Inventor	Vandersluis
Art Unit	2157
Examiner Name	Burgess, Barbara N.
Attorney Docket Number	XAW-0103

**ENCLOSURES (Check all that apply)**

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| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input checked="" type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/<br>Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts<br>under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a<br>Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><br><input type="checkbox"/> Appeal Communication to Board<br>of Appeals and Interferences<br><input checked="" type="checkbox"/> Appeal Communication to TC<br>(Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify<br>below):<br>Return Post Card |
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**Remarks**  
Appeal Brief**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Law Office of Dale B. Halling		
Signature			
Printed name	Dale B. Halling		
Date	11/27/2006	Reg. No.	38,170

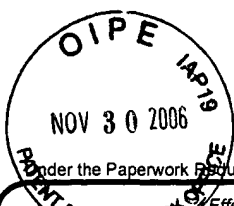
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PTO/SB/17 (07-06)

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# FEE TRANSMITTAL

## For FY 2005

☒ Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)  
250.00**Complete if Known**

Application Number	09/922,791
Filing Date	November 19, 2001
First Named Inventor	Vandersluis
Examiner Name	Burgess, Barbara N.
Art Unit	2157
Attorney Docket No.	XAW-0103

**METHOD OF PAYMENT** (check all that apply)☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_☐ Deposit Account Deposit Account Number: \_\_\_\_\_ Deposit Account Name: \_\_\_\_\_

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, **except for the filing fee**☐ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☐ Credit any overpayments**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	0
Design	200	100	100	50	130	65	0
Plant	200	100	300	150	160	80	0
Reissue	300	150	500	250	600	300	0
Provisional	200	100	0	0	0	0	0

**2. EXCESS CLAIM FEES****Fee Description**

	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

<b>Total Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>
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- 20 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

HP = highest number of total claims paid for, if greater than 20.

<b>Indep. Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>
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- 3 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<b>Total Sheets</b>	<b>Extra Sheets</b>	<b>Number of each additional 50 or fraction thereof</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>
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- 100 = \_\_\_\_\_ / 50 = \_\_\_\_\_ (round up to a whole number) x \_\_\_\_\_ = \_\_\_\_\_

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Appeal Brief

**Fees Paid (\$)**

0

250

**SUBMITTED BY**

Signature		Registration No. (Attorney/Agent)	38,170	Telephone	719-447-1990
Name (Print/Type)	Dale B. Halling			Date	11/27/2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

APPLICANT(S): Vandersluis

EXAMINER: Burgess, Barbara N.

SERIAL NO.: 09/992,791

ART GROUP: 2157

FILED: November 19, 2001

Case No.: XAW-0103

ENTITLED: Method for Componentization of Electronic Document Processing

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 (Dale B. Halling)

Attorney of Record Signature

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## **APPEAL BRIEF**

Honorable Commissioner of  
Patents and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is an appeal from the final rejection of claims 1-18 of the Office Action dated November 21, 2005. This application was filed on November 19, 2001. Appellant submits this Appeal Brief pursuant to 35 U.S.C. §134 and 37 C.F.R. § 41.37 in furtherance of the Notice of Appeal filed in this case on January 11, 2006. The fees required under 37 C.F.R. §1.17(b) and any other necessary fees as indicated in the accompanying Appeal Brief Transmittal Letter are submitted herewith.

### **I. Real Party In Interest**

The real party in interest is: XAware Corporation, a corporation organized and existing under the laws of the state of Colorado, and having a place of business at 5555 Tech Center Dr., Suite 200, Colorado Springs, CO 80919. See the Assignment recorded at Reel 014949, Frame 0313.

### **II. Related Appeals And Interferences**

There are no appeals or interferences related to the present appeal.

### **III. Status Of Claims**

Claims 1-18 (see Appendix) are pending in this application. Claims 1-18 are rejected and are involved in this appeal.

### **IV. Status Of Amendments**

A Pre-Appeal Brief was filed subsequent to the final rejection of November 21, 2005, on January 11, 2006. There has been no resolution of the substantive rejections.

## **V. Summary Of Claimed Subject Matter**

The claims that are argued separately are claims 1-2 & 15.

Claim 1 is a series of steps and the first step is to “define a BizDocument containing XML which defines a data message.” A BizDocument is defined on page 11, lines 10-11 of the specification as “A BizDocument is an XML file with possibly static contents intermixed with references to BizComponents.” A BizDocument is further described on pages 4 & 5, lines 24-28 & 1-7. A BizDocument is shown in FIGs. 1-4 as elements 3, 22, 42 & 62. A data message is described, on page 6, lines 6-10 as an instance of a BizDocument. FIG. 2 step 22 defines the BizDocument. The next step in the claim is to “provide for the ability of the client systems to request a specific BizDocument.” Client systems are shown in FIGs. 1-4, elements 1, 24, 40, 60. A client system is a standard client in a client-server computer system thus “a Client system 1 that desires an instance of a message sends a request for that message . . . to a BizDocument 3.” Page 11, lines 8-10. The next step of claim 1 is “upon receipt of a request for a BizDocument, read the BizDocument according to a predefined computer language.” This is shown in FIG. 2 step 25. The processing of a BizDocument is described in detail starting on page 13, line 3 through page 15. The last step of claim 1 is to send the resulting contents of the attached memory to the requesting client system. This is shown in FIG. 2, element 26 and describe on page 12, lines 28-29.

Claim 2 further requires the steps of defining “data sets called BizComponents associated to one of more elements of a message. BizComponents are shown in FIGs. 1 & 3-4, elements 5, 11, 15, 44, 50, 64, 70 & 76. A BizComponent is described in detail on page 5, lines 8-28 and this states that a BizComponent is a collection of data called a “data set”. A message is an instance of BizDocument (see above) and a BizDocument has dynamic elements that are references of a BizComponent (See page 5, lines 1-3). Claim 2

further requires the "BizComponent having a definition that is stored in a separate file or module, or generated by some other process." On page 13 lines 17-18 it states that the BizComponent definition is retrieved from a file or other process. Claim 2 further requires "the capability of processing a BizComponent during the processing of elements within the BizDocument." As explained on page 13, lines 13-15 when a BizDocument is processing elements it may process a BizComponent as one of the elements.

Claim 15 requires that the BizDocument, BizComponent, and BizDrivers may be in Extensible Markup Language (XML) format. BizDrivers are shown in FIGs. 1 & 3-4, elements 7, 16, 46, 52, 66, 72 & 78. An example of an XML format BizDocument is shown in Table 2, page 17 of the specification. An example of an XML format BizComponent is shown in Table 3, page 18 of the specification. An example of an XML format BizDriver is shown in Table 4, page 19 of the specification.

## **VI. Grounds of Rejection to be Reviewed on Appeal**

1. Whether claims 1-18 are unpatentable under 35 USC 103(a) over Blinn (USPN 5,897,622) in view of Alexander (US 6,732,331 B1).



## VII. Argument

The question of obviousness requires that we determine if the references, taken as a whole, would suggest the invention to one of ordinary skill in the art. *Medtronic, Inc. v. Cardiac Pacemakers, Inc.*, 721 F.2d 1563, 220 USPQ 97 (Fed. Cir. 1983). Claim 1 requires that the BizDocument contain XML. This is not shown in the prior art. Blinn is concerned with presenting dynamically generated HTML pages for on-line Merchants. (See Abstract) As a result, Blinn uses HTML structures (Col. 6, lines 47-48) which makes their process more complicated and less flexible than the present application. The present application is concerned with converting between different data structures to allow different applications to share data. As a result, the present invention is built around XML statements in the BizDocument (Paragraph 0023 Publication of the present application Pub. No. US 2004/0030701A1). The only logical analogy here is that the dynamic page generator is the equivalent of the "BizDocument" and the actions related to the BizDocument. The database module in this analogy is the BizComponent. However, the goal of Blinn is to display an online catalog or store (See abstract). Whereas the present application is directed to an architecture of reusable components that may be used for multiple applications for transforming data from source format to another target format. (See paragraphs 0012, 0026, 0028 of the published application). As a result, Blinn does not use XML in the dynamic page generator. The Examiner has combined Blinn with Alexander suggesting that XMS is the same thing as XML. XSL is eXtensible Stylesheet Language. XSL has to do with the how a web page looks when it is displayed and this layout is independent of the data being displayed. XSL is not XML as required by the claims. So Alexander does not teach how to convert the HTML structure of Blinn's dynamic page generator into

XML. Nor would this make any sense, since Blinn's output is to a browser for display and browsers inherently use HTML not XML. It might be possible to use the present invention in combination with XMS to display the data from the BizDocument, but that is not the goal of the present invention. The present invention's goal is sharing data in different formats between different computer systems that use different hierarchical formats (Paragraph 0012 Publication of the present application Pub. No. US 2004/0030701A1). The combination of Blinn and Alexander fails to suggest a BizDocument that contains XML.

The combination of Blinn and Alexander fails to suggest a BizDocument that contain XML. Claim 1 is allowable.

Claim 2 requires that the system be capable of creating (defining) BizComponents. The most obvious analogy of the BizComponents is the database module. These modules are fixed in Blinn, meaning a different version is not created by the system for different applications. Blinn or Alexander never discuss a system that defines or creates data sets. Claim 2 is allowable.

Claims 3-14 are allowable as being dependent upon an allowable base claim.

Claim 15 requires that the BizDocument, BixComponent and BizDriver include XML. The combination of Blinn and Alexander does not show or suggest this claim since it only shows XML as a data store like a database not as part of the system of converting data from a first format into a second format. Claim 15 is allowable.

Claims 16-18 are allowable as being dependent upon an allowable base claim.

## **VIII. Claims Appendix**

1. A method for partitioning processing responsibilities for the processing or generation of data messages into components comprising the computer-implemented steps of: a. Define a BizDocument containing XML which defines a data message; b. Provide for the ability for Client systems to request a specific BizDocument; c. Upon receipt of a request for a BizDocument, read the BizDocument into an attached memory, perform processing on each element within the BizDocument according to a predefined computer language; d. Send the resulting contents of the attached memory to the requesting Client system.
2. The method of claim 1 wherein the method further comprises the steps of providing the capability to define data sets called BizComponents associated to one or more elements of a message, a BizComponent having a definition that is stored in a separate file or module, or generated by some other process, and the capability of processing a BizComponent during the processing of elements within the BizDocument.
3. The method of claim 2 wherein a BizComponent may include the definition of parameters for which the calling BizDocument or Client will provide actual values.
4. The method of claim 3 wherein a BizComponent may accept a set of elements as input and may provide a set of elements as output.
5. The method of claim 4 wherein a BizComponent may interact with a Server system, or other BizComponent, or other BizDocument to transfer data to or from that Server system.
6. The method of claim 5 wherein a BizComponent may transform data between the required format of the Server system with which it interacts, and the desired format of a message;

7. The method of claim 6 wherein a BizComponent may contain processing instructions which are processed according to a predefined computer language.

8. The method of claim 7 wherein a BizComponent may be considered to belong to a class of BizComponents, and a computer program or code module designed to process BizComponents in that class may be loaded to process the BizComponent.

9. The method of claim 8 wherein the method further comprises the steps of providing the capability for a BizComponent to access a Server system through an intermediate entity called a BizDriver, a BizDriver having a definition stored in a separate file or module, or generated by some other process.

10. The method of claim 9 wherein a BizDriver may include the definition of parameters for which the calling BizComponent will provide actual values.

11. The method of claim 10 wherein a BizDriver may accept a set of elements as input and may provide a set of elements as output.

12. The method of claim 11 wherein a BizDriver may interact with a Server system, to transfer data to or from that Server system.

13. The method of claim 12 wherein a BizDriver may contain processing instructions which are processed according to a predefined computer language.

14. The method of claim 13 wherein a BizDriver may be considered to belong to a class of BizDrivers, and a computer program or code module designed to process BizDrivers in that class may be loaded to process the BizComponent.

15. The method of claim 14 wherein the format of a BizDocument, BizComponent, and BizDriver may be Extensible Markup Language (XML).

16. The method of claim 15 wherein a BizDocument may include the definition of parameters for which the calling Client will provide actual values.

17. The method of claim 16 wherein a BizDocument may accept a set of elements as input and may provide a set of elements as output.

18. The method of claim 17 wherein a BizDocument may contain processing instructions which are processed according to a predefined computer language.

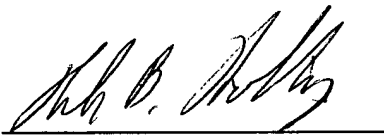
**IX. Evidence Appendix**

None

**X. Related Proceedings Appendix**

None

Respectfully submitted,  
(Hunt et al.)

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